



Committee on Rulemaking

October 7, 2014 Public Meeting Agenda

- I. Meeting Opening
- II. Welcome—Paul R. Verkuil, Chairman
- III. Introduction to Rising Staff Counsel, Seth Nadler—Emily S. Bremer, Staff Counsel
- IV. Consideration of the Draft Petitions for Rulemaking Report
 - A. Presentation of the Draft Report—Jason A Schwartz and Richard L. Revesz, Institute for Policy Integrity at NYU School of Law, Consultants
 - B. Discussion of Issues—Neil Eisner, Committee Chair
 1. What are the potential benefits and drawbacks of petitions for rulemaking, for regulated parties, the public, and agencies?
 2. Should agencies encourage the submission of petitions or otherwise educate the public regarding the availability of the petitioning process? If so, how? To what end(s)?
 3. What minimum procedural requirements must agencies observe with respect to petitions? What best practices should agencies adopt?
 - a. Must or should agencies respond in a timely fashion?
 - b. Must or should agencies provide a rational, merits-based explanation for the disposition of a petition?
 4. Should agencies have written procedural regulations or guidance governing petitions for rulemaking? Is greater centralized guidance or control of agency action on petitions necessary or desirable?
 5. How should agencies:
 - a. Identify and enforce content requirements;
 - b. Process and docket petitions;
 - c. Communicate with petitioners;



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- d. Expedite review of noncontroversial petitions; and
 - e. Prioritize between petitions and other informal requests for rulemaking?
- C. Discussion of Subjects Potentially Ripe for Recommendation (*See Part V of the Draft Report, pages 67-82*)
- D. Discussion of Continuing Validity of [Recommendation 86-6](#), *Petitions for Rulemaking*
- V. Discussion and Summary of Additional Research Requested (If Any)
- VI. Comments by Public Attendees (if Committee Consents)
- VII. Closing Remarks